

ORIGINAL

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

EXHIBIT

tabbies

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BOBBY BLAND, DANIEL RAY CARTER,
JR., DAVID W. DIXON, ROBERT W.
McCOY, JOHN C. SANDHOFFER and
DEBRA H. WOODWARD,

Plaintiffs,

v

4:11cv45

B. J. ROBERTS, individually,
and in his official capacity as
Sheriff of the City of Hampton,
Virginia,

Defendant.

DEPOSITION UPON ORAL EXAMINATION OF

ROBERT W. McCOY

Taken on behalf of the Defendant

Newport News, Virginia

August 22, 2011

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INGRAM REPORTING
Virginia Beach, Virginia
Phone (757) 481-0935

1 A. Run for sheriff, yeah. I told him
2 I would support him.

3 Q. Okay. So when -- as soon as he
4 announced it, you told him you would support
5 him?

6 A. Yes.

7 Q. What did you do to support him in
8 his campaign?

9 A. To support him? Nothing -- nothing
10 physical.

11 Q. Did you give him money?

12 A. No.

13 Q. Did you give him -- did you do any
14 campaigning for him?

15 A. No.

16 Q. Pass out any paraphernalia?

17 A. No.

18 Q. Put a sign in your front yard?

19 A. No.

20 Q. So what did you do besides -- what
21 did you do for him?

22 A. I voted for him.

23 Q. Okay. All right. Other than that?

24 A. That's it.

25 Q. Okay.

1 A. I went on his Facebook.

2 Q. So you went on his Facebook page?

3 You posted your picture on his --

4 A. Yes.

5 Q. -- page as a supporter?

6 A. Yes.

7 Q. Well, what did you think that would

8 do to your career at the Sheriff's Department?

9 Did you think about that?

10 A. I didn't.

11 Q. Okay. You didn't think about when
12 you did it?

13 A. No. It was just a few days before
14 the election.

15 Q. Okay. Did you think it would
16 adversely affect your brief employment chances?

17 A. I didn't even think about at the
18 time I did it. I just e-mailed him. And I went
19 on his support page. I e-mailed him, good luck
20 on -- on your election. And I ended up on his
21 Facebook page at that time.

22 Q. Did you realize when you e-mailed
23 him that you would end up on his Facebook page?

24 A. I don't even recall if I was even
25 thinking about that.

1 Q. Okay. So you didn't know if anyone
2 else would find out about it by sending e-mail?

3 A. No.

4 Q. Okay. Did you tell anyone else in
5 the Sheriff's Department --

6 A. Yes.

7 Q. -- that you were an -- an -- an
8 Adams supporter?

9 A. Yes.

10 Q. Who did you tell?

11 A. Deputy Muton.

12 Q. Who is that? Who is that?

13 A. He's a work force deputy.

14 Q. Is he a friend of yours?

15 A. Yeah. I've known him for years as
16 well.

17 Q. Okay. Why did you tell him?

18 A. I thought I could trust him.

19 Q. Did you tell him that you should
20 vote for Adams, too?

21 A. No.

22 Q. Okay. So you thought that you were
23 confident Muton would not disclose that you were
24 supporting Adams?

25 A. Correct.

1 Q. Okay.

2 A. I told Keena Ransom (sic). She was
3 a deputy at the time.

4 Q. Why did you tell her?

5 A. She was trustworthy.

6 Q. A friend? She's a friend?

7 A. Yeah. Just friends.

8 Q. You thought they would be trusted
9 not to disclose that?

10 A. (Witness nodded.)

11 Q. Anyone else?

12 A. A couple of others, but -- let's
13 see. I believe -- I can't think of his name
14 now. He's also work force. I don't -- I can't
15 -- I may have talked to him briefly, other work
16 force guy. I think he was standing with Muton
17 at the time, and I can't think of his name now.

18 Q. All right. And what did you say to
19 them?

20 A. Just I think Adams would be a good
21 sheriff, been in -- he was doing this for -- you
22 know, since -- since the eighties, and he should
23 know what he's doing. Basically, I think he
24 would be a good sheriff.

25 Q. And why didn't you support Sheriff

1 Adams, not him?

2 A. I feel that possibly maybe some of
3 the -- couple of the people that -- that I
4 talked to may have informed him that I was not
5 -- not supporting him, I was supporting Adams,
6 plus my Facebook page -- his Facebook page I was
7 listed as one of Adams supporters --

8 Q. Okay.

9 A. -- and that's common. I mean,
10 that's, you know, that's open to everybody.

11 Q. The fact that you were on the
12 Facebook page. Okay.

13 A. Go ahead.

14 Q. Did you know whether Sheriff
15 Roberts ever looked at the Facebook page and saw
16 that you were on there?

17 A. I don't know.

18 Q. You don't know that?

19 A. But there was rumors going around
20 the sheriff's office that some of Sheriff
21 Roberts' sub -- higher-ups were looking at Face
22 bush -- Facebook page seeing who his supporters
23 were.

24 Q. Okay.

25 A. And then when Danny Carter, his

1 name showed up, then it was like don't -- don't
2 -- you know, you show yourself on Facebook --
3 you know, everybody was saying that Danny Carter
4 is out of there because he supported Adams
5 openly. And that if you got on Facebook or you
6 got -- you showed any kind of interest in Jim
7 Adams that you'd probably get fired.

8 Q. Is that --

9 A. That was just rumors.

10 Q. Was that before you posted on
11 Facebook as well?

12 A. No. This was -- I put -- I -- I
13 ended up on Facebook about a month, I believe,
14 before --

15 Q. Before the election?

16 A. -- the election, yes.

17 Q. Okay. Well, after you heard the
18 rumor about Carter being on it -- on Facebook
19 and the rumors were that he was not going to be
20 reappointed, why would you put your name on
21 Facebook?

22 A. I didn't. I -- What was the
23 question?

24 Q. If you heard rumors that --

25 A. This is after I went on Facebook.

1 Q. Okay. But you didn't do that
2 intentionally? You did it accidentally.

3 A. I intentionally went on Facebook
4 and e-mailed him, yes.

5 Q. But you didn't intend to be posted
6 on his website?

7 A. Right.

8 Q. Okay. I think that's probably what
9 happened to Carter, too.

10 Did anyone from the Sheriff's
11 Department tell you that because you were posted
12 -- that you were posted as a supporter on
13 Facebook that you would not be reappointed?

14 A. No.

15 Q. Okay. Did you ever discuss the
16 fact that you were posted as an Adams' supporter
17 on Facebook with Sheriff Roberts?

18 A. Say that again.

19 Q. I'll rephrase it. Did you ever
20 discuss with Sheriff Roberts the fact that you
21 were posted as a supporter on Adams' Facebook
22 page?

23 A. Never talked to Sheriff Roberts
24 about that.

25 Q. All right. How about -- has anyone

1 in your administration?

2 A. No.

3 Q. Anyone tell you -- tell you they
4 saw your -- that you support Adams on Facebook?

5 A. No.

6 Q. Okay. So what makes you think that
7 Sheriff Roberts knew about it?

8 A. I didn't.

9 Q. You don't know whether he knew?

10 A. No. I didn't.

11 Q. Okay.

12 A. I assumed that he knew since
13 everybody else knew.

14 Q. Okay. When you say everyone else
15 knew?

16 A. Everybody -- I was approached by
17 ten or 15 people that, you know, what are you
18 doing? You know, you got 18 months to retire,
19 to be eligible to retirement. Why would you do
20 that?

21 Q. Okay. So you're 18 months to be
22 eligible for retirement?

23 A. Correct.

24 Q. Okay. All right. If you knew that
25 that by sending an e-mail --

1 A. I didn't.

2 Q. -- I'm saying if you knew that you
3 would be posted as a supporter for Adams by
4 sending e-mail on the website, would you have
5 done that?

6 A. No.

7 Q. Okay. What evidence do you have
8 that Roberts terminated your employment because
9 you supported Adams during the election?

10 MR. SHOEMAKER: Object to the form
11 of the question. Go ahead and answer it
12 to the best of your ability.

13 A. I don't have any evidence.

14

15 BY MR. ROSEN:

16 Q. Okay. I wanted to ask you a few
17 questions about the lawsuit that was filed. In
18 paragraph 15, it says the sheriff has used
19 sheriff's office employees, including low-level
20 non-supervisory employees to plan, manage staff
21 and carry out political activities and events
22 while on paid status. Do you know anything
23 about that?

24 A. No.

25 Q. Okay. Did you do any campaigning

1 get-together?

2 A. A get-together.

3 Q. Okay. And were there many people
4 from the sheriff's department there?

5 A. Yes.

6 Q. Okay. And including Adams?

7 A. Yes. He showed up.

8 Q. He showed up, too? Okay.

9 Was he soliciting support for his
10 upcoming campaign?

11 A. Not that I can recall. He never
12 said anything directly to me about, you know, I
13 knew he was running.

14 Q. Well, everyone knew he was running.

15 A. Everybody knew. He didn't actually
16 come out and say, you know, vote for me. He
17 didn't say all that. He was just there.

18 Q. Okay. But everyone knew he was
19 running?

20 A. Yes.

21 Q. Okay. Were any of Sheriff Roberts'
22 senior staff present at that event? Do you
23 know?

24 A. No.

25 Q. Okay. Do they --

1 A. Not that I am -- not that I can
2 recall. There was a lieutenant there. I don't
3 recall his name. I think it was Mitchell. I--
4 I don't recall.

5 Q. Okay. All right.

6 A. What would be considered? I don't
7 understand senior staff.

8 Q. Well, I guess, you know,
9 lieutenants and majors, colonels.

10 A. I don't recall.

11 Q. Okay. All right. Okay. It
12 alleges in Paragraph 21 that each of the
13 plaintiffs received the following admonitions or
14 warnings: 21A. If you don't support the
15 sheriff, you're going to be out of here. Anyone
16 tell you that?

17 A. Yes.

18 Q. Who told you that?

19 A. Some of the people I work with. I
20 don't recall names right -- right now.

21 Q. You mean the other deputies?

22 A. Deputies.

23 Q. Okay. So but no one from the
24 senior staff told you that?

25 A. No.